

B. Remarks

Claims 1-3, 5, 8, 13-16, and 21-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hampton et al (U.S. 5,682,848), in view of Wagner, et al (U.S. 4,823,724).

Claims 4, and 9-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hampton, in view of Wagner, and further in view of Jahr (U.S. 6,318,318).

Claims 5-7, 11-12, 17-20 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hampton, in view of Wagner, and further in view of Yoeda, et al (U.S. 6,405,693). Claim 23 was rejected under 35 U.S.C. 102(b) as being anticipated by Hampton.

With this submission, Applicants resubmit claims 1-24. Reexamination and reconsideration are respectfully requested.

In paragraph 4 of the Office Action, the Examiner stated that Hampton shows a first body having a pocket and a solenoid actuator positioned within the pocket (see numeral 16) for activating a switchable rocker arm assembly. Applicants' respectfully submit that the Examiner is in error in stating that Hampton shows a solenoid actuator positioned within a pocket. Applicants Claim 1 has a limitation in its third subparagraph: "*a solenoid actuator positioned within said pocket for activating a switchable rocker arm assembly.*".

Hampton does not show a first body with a pocket. It is most likely that Hampton does not even have a solenoid actuator that is connected with a first body in a manner similar to Applicants' invention. The Hampton specification, in column 6, lines 1-3, states: "*The actuator arm 17 pivots on arm pin 37 and is secured to the guide housing 36 which is attached to the actuator assembly 16.*" Nowhere does the specification teach or suggest that the actuator assembly 16 is connected to the body to its right in Figures 1, 3, 4 or 16.

In Column 3, Figure 1 is described as a cross-sectional view. The solenoid housing 15 is sectioned; however the body, which has a cutout with a cam shaft is not sectioned. This lack of sectioning of the portion that has the cutout for the cam shaft bearing would lead one familiar in the rules of illustration of engineering drawings to believe that the housing 15 is not connected with the cam bearing ladder.

Furthermore, Figure 2 illustrates a guide housing and the solenoid housing 15. This view appears to indicate no physical connection between the solenoid housing 15 and the body, which has a cutout for the cam shaft.

Looking at a second embodiment of Hampton shown in Figures 16-17, again there is not demonstrated physical connection between the solenoid housing 15' and the portion which provides the cutout for the cam shaft. Therefore, the drawings and specification appear to indicate that the solenoid housing is not connected with any body which has a cutout of the cam shaft as provided in Applicants' Claim 1.

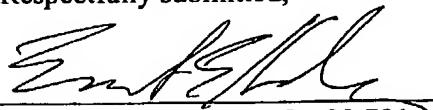
Even if one ignores the evidence provided by the specification and drawings of Hampton, that the solenoid housing is not connected to a body which has a cutout for the cam shaft, it is clearly apparent that the solenoid housing or actuator assembly is not positioned within a pocket of the body, but at most, would be connected to its side. In sharp contrast, Applicant's Figure 4 shows a solenoid assembly positioned within a pocket.

The addition of Wagner to the aforementioned Hampton still is deficient in not providing an actuator assembly positioned within a pocket.

All of Applicants' claims require either a first body or a cam shaft bearing cap ladder having a pocket formed therein with a solenoid actuator within a pocket of the bearing cap ladder or first body. None of the references cited by the Examiner teach or suggest such a feature. Accordingly, Applicants' response to the remainder of the rejections is incorporated in Applicants' response to the rejection of Claim 1. In the interest of conservation of the Examiner's valuable time, Applicants' response is not further repeated.

For the reasons stated above, Applicants respectfully submit that the Examiner's rejections are respectfully traversed and as the application is otherwise in condition for allowance, such action is respectfully requested.

Respectfully submitted,



Ernest E. Helms Reg. No. 29,721
DYKEMA GOSSETT PLLC
39577 Woodward Avenue, Suite 300
Bloomfield Hills, MI 48304-2820
(248) 203-0756
Attorneys for Applicants

Dated: October 12, 2004

BH01\484047.1
ID\EEHE